

REMARKS

I. Non-Compliant Amendment

As a preliminary matter, Applicant believes that the Notice of Non-Compliant Amendment is improper. Indeed, Applicant did not submit *any* amendments in response to the election/restriction requirement, but rather a response. Thus, Applicant cannot have submitted a non-compliant amendment. Further, while the Examiner indicates that “TC 3700 requires that claims be elected with the submission of proper status identifiers such as original and withdrawn and etc.,” the M.P.E.P. does not appear to have such a requirement when the claims are not being amended. For further applications, Applicant respectfully requests the citation to the requirement of “TC 3700” to the extent it differs from the M.P.E.P. However, in the interest of facilitating prosecution in this matter, Applicant has provided a listing of claims which is duplicative of the listing provided in the preliminary amendment.

II. Election/Restriction Requirement

This application is a National Phase of a PCT application filed under 35 U.S.C. § 371, and is not an application filed under 35 USC § 111(a). Accordingly, with respect to national stage applications filed under 35 USC § 371, restriction practice under 35 USC § 121 is inapplicable. Instead, unity of invention is applicable in international applications and in national stage (filed under 35 U.S.C. § 371) applications under PCT Rule 13 and 37 CFR § 1.475. Thus, restriction requirements are governed under the Unity of Invention standards, and the Examiner must clearly specify why the claims directed to different groups of inventions lack a common special technical feature. Indeed, under the applicable rules Unity of Invention exists when claims are directed to a common special technical feature.

MPEP §1893.03(d) explains that a group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature. The expression

“special technical feature” is defined as meaning those technical features that define the contribution which each claimed invention, considered as a whole, makes over the prior art.

The pending claims have a technical relationship that involves at least one common or corresponding special technical feature as set forth in independent claims 1 and 46. Indeed, these claims have at least the common inventive concept that: of machining at least one ball track and at least one guiding web simultaneously.

Indeed, in view of the significant overlap of technical features between the claims of Groups I and II, it is respectfully submitted that the Examiner will be required to search art not only related to Group I, but also to Group II as part of the analysis. Therefore, withdrawal of this office action is respectfully requested, and Applicant requests that all of the pending claims be examined at this time.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 66967-0036 from which the undersigned is authorized to draw.

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Respectfully submitted,

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